

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Cedric Harley

Plaintiff,

v.

Lieutenant Poindexter; South Carolina
Department of Corrections,

Defendants.

Case No.: 0:20-cv-03152-SAL

OPINION AND ORDER

This matter is before the Court for review of the April 27, 2021 Report and Recommendation (“Report”) of United States Magistrate Judge Paige J. Gossett, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 38]. In the Report, the Magistrate Judge recommends that Defendants’ motion to dismiss for lack of prosecution, ECF No. 34, be granted. [ECF No. 38]. No party filed objections to the Report, and the time to do so has passed. *See id.*

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the Court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the Court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the Court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, Defendant Poindexter's motion to dismiss for lack of prosecution, ECF No. 34, is GRANTED. Further, this Court has the inherent power to dismiss an action *sua sponte* for want of prosecution. *Attkisson v. Holder*, 925 F.3d 606, 625 (4th Cir. 2019), *as amended* (June 10, 2019). For the reasons set forth in the Report, and pursuant to this Court's inherent power to dismiss an action for want of prosecution, the entire action is DISMISSED with prejudice against all defendants. The October 8, 2020 Report and Recommendation, ECF No. 9, is MOOT.

IT IS SO ORDERED.

July 6, 2021
Florence, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge